

REMARKS

Claims 15-17, 19, and 24-25 were pending. In this amendment, claims 15, 17 and 25 are amended, claims 19 and 24 are cancelled, and new claims 29-34 are added. The cancellation or amendment of claims is made without disclaimer or prejudice to prosecution of the same subject matter in the future in this or a related application. The amendments and new claims are supported in the specification (see, e.g., pages 41-44) and claims as filed (see, e.g., original claims 15-17 and 24-25). Upon entry of this amendment, claims 15-17, 25, and 29-34 will be pending.

A 6-way restriction was required in Paper 12, as follows:

Groups I-VI: Claims 15-17, 19 and 24-25, drawn to modified epothilone polyketide synthase comprising the gene products of *epoA*, *epoB*, *epoC*, *epoD*, *epoE* and *epoF*, respectively.

Applicants elect examination of the claims as drawn to modified epothilone polyketide synthase comprising the gene product of *epoE*. The election is made with traverse for the following reasons. As explained in the subject application, the products of *epoA*, *epoB*, *epoC*, *epoD*, *epoE* and *epoF* are part of the same epothilone polyketide synthase. They exist in the context of a complete polyketide synthase that is able to make complete polyketides. Applicants respectfully submit that examination of claims directed to modifications of any of the several portions of the complete epothilone polyketide synthase is sufficiently limited that it imposes no substantial burden on the Office. The stated rationale for the restriction requirement is that the modified polyketide synthases of Groups I-VI are asserted to be individual chemical entities that require different searches. However, although *epoA*, *epoB*, *epoC*, *epoD*, *epoE* and *epoF* define different open reading frames, Applicants respectfully submit that these sequences can be searched together without unduly adding to the burden of the Office.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 300622003111.

Respectfully submitted,

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By:


Randolph Ted Apple
Registration No. 36,429

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5933
Facsimile: (650) 494-0792